## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

NAOMI M. EADS,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. CIV-07-760-D
	)	
MICHAEL J. ASTRUE, Commissioner,	)	
Social Security Administration,	)	
	)	
Defendant.		

## <u>ORDER</u>

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the decision of the Commissioner of Social Security Administration denying plaintiff's application for disability benefits and supplemental security income payments<sup>1</sup>. The matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings in accordance with 28 U.S.C. §636(b)(1)(B). The parties fully briefed their respective positions and, on May 2, 2008, the Magistrate Judge filed a Report and Recommendation [Doc. No. 20] in which she recommended that the decision of the Commissioner be reversed and the matter remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same and scheduled a May 22, 2008 deadline for filing such objections. She also cautioned the parties that a failure to object would constitute a waiver of the right to appeal. The deadline for filing objections has expired; to date, neither party has filed objections or

<sup>&</sup>lt;sup>1</sup>The case decision and the parties' briefs refer to Plaintiff's application for supplemental security income benefits; however, no administrative documents pertaining to that claim are included in the record before the Court.

Case 5:07-cv-00760-D Document 21 Filed 06/05/08 Page 2 of 3

sought an extension of time in which to do so. Accordingly, the Report and Recommendation

[Doc. No. 20] is adopted as though fully set forth herein.

In accordance with the foregoing, the decision of the Commissioner denying Plaintiff's

application for benefits is REVERSED, and this matter is REMANDED to the Commissioner for

further proceedings as set forth in the Report and Recommendation.

IT IS SO ORDERED this 5<sup>th</sup> day of June, 2008.

TIMOTHY D. DEGIUSTI

UNITED STATES DISTRICT JUDGE